RECENT CASES.

ADMINISTRATORS—COMPLETING CONTRACT.—IN RE ALLAM'S ESTATE, 49 Atl. 252 (Penn.).—Where an administrator in his discretion completed some unfinished building contracts of the decedent, thereby creating new debts. *Held,* that the debts contracted by the decedent in his life-time took precedence over the debts contracted by the administrator.

Morrow v. *Morrow,* 2 Tenn. Ch. 549, which seems to be the only case in this country with a practically similar state of facts, decided that, even where the decedent had authorized the carrying on of his business, the debts contracted by him in his life-time were entitled to priority of payment over such debts as were contracted by his administrator. The present decision is in conformity with the English case of *Labouchere* v. *Tupper,* 11 Moore P. C. 221.

BASTARDY—EVIDENCE—CORROBORATION OF PROSECUTING WITNESS.—STATE V. MEARES, 39 S. E. Rep. 245 (S. C.).—The judge refused to charge that the testimony of the mother should be corroborated in some material particular before a verdict of guilty could be rendered. *Held,* that it was not error.

It is the law in England that a mother's testimony must be corroborated in some material particular before a man can be adjudged the putative father. But this is a statutory rule, and in the absence of such a statute, no corroboration is required. 29 *Am.* v. *Eng. Emc. Law,* 834. The court rules that even if the mother could be regarded as an accomplice, it would still be unnecessary to corroborate her testimony, and quotes *State* v. *Prater,* 26 S. C. 207, 2 S. E. 112. "It is true that the proper practice is for the presiding judge to advise the jury not to convict upon the uncorroborated testimony of an accomplice, but we know of no authority which requires that they shall be directed to acquit unless the testimony of an accomplice is corroborated."

CONSTITUTIONAL LAW—DUE PROCESS—ABSENCE OF ALLEGED LUNATIC FROM HEARING.—JETTA SIMON V. JOHN V. CRAFT, 21 Sup. Ct. 836.—In pursuance of a writ issued under the Alabama Civil Code, 1886, Section 2393, the plaintiff in error was taken into custody and remanded to await the decision of a jury as to her sanity. The statute provided that the sheriff serving the writ was to determine whether it would be consistent with the health and safety of any person so taken to have him or her present at the place of the trial. In this particular case the sheriff decided the question against the plaintiff in error, and she was not allowed at the hearing, wherein she was found to be of unsound mind. *Held,* that such a proceeding was not in violation of the 14th Amendment of the United States Constitution.

In all cases where the principle of "due process of law" is concerned, the main consideration is whether the condemned person has had sufficient notice

and adequate opportunity to defend himself. *Louisville* v. *Nashville R. R. Co.* v. *Schmidt,* 177 U. S. 230; *Iowa Central R. R. Co.* v. *Iowa,* 160 U. S., 389. As early as 1870 the Supreme Court of Alabama in *Fore* v. *Fore,* 44 Ala., 418, held that the mere serving of the writ upon a supposed lunatic brought the defendant into court. The plaintiff in error was thus technically before the court, and she suffered the loss of no constitutional right if she did not, either through counsel or her guardian "ad litem," enter at that time her matters of defence.

CRIMINAL LAW—LIBEL—TRUTH AS JUSTIFICATION.—STATE v. BROCK, 39 S. E. Rep. 359 (S. C.).—The constitution of South Carolina provides that in all criminal prosecutions for libel, the truth of the alleged libel may be given in evidence, and the jury shall be the judges of the law and the facts. *Held,* that an instruction by the judge that this provision did not go any farther than to allow truth as a mitigation was error.

The case of *State* v. *Lehre,* 2 Brev. 446, 4 Am. Dec. 596, decided that a person indicted for libel could not give any evidence tending to prove the truth of the libelous matter in justification without the consent of the prosecutor. Other cases have granted this right in prosecutions, for the publication of papers investigating the official conduct of men in public capacity, or when the matter published is proper for public information. The court holds that the provision of the constitution of 1895 goes further, permitting all persons indicted for libel to show the truth of the libel. It also makes the jury the judges of the law and the facts, and does not give the judge the right to declare what shall be the effect of the testimony.

DEATH OF PARENT—DAMAGES.—STAHLER ET AL v. PHILA. & R. RY. CO., 49 Atl. 273 (Penn.).—The defendant company negligently caused the death of plaintiffs' father, who was accustomed to make them a yearly allowance. *Held,* that the plaintiffs' right to recover damages was not affected by the fact that they inherited their father's estate.

The true measure of damages in similar cases generally has been laid down as being the pecuniary loss to the survivors, entitled to compensation. *Chicago* v. *Major,* 18 Ill. 349; *McIntyre* v. *N. Y. R. Co.,* 37 N. Y. 287; *Baltimore R. Co.* v. *Kelly,* 24 Md. 271. The fact that an inheritance is gained does not decrease the loss sustained by the withdrawal of a yearly allowance. A close analogy is found in the United States rule that the amount recovered is not reduced by the amount of insurance carried by the deceased. *Railroad Co.* v. *Kirk,* 90 Penn. 15; *Althorf* v. *Wolf, 22* N. Y. 355; *Sherlock* v. *Alling,* 44 Ind. 184.

EVIDENCE—ADMISSIONS—ATTEMPT TO BRIBE—AGENCY—NOWACK v. METROPOLITAN ST. RY. CO., 60 N. E. 32 (N. Y.).—The "investigator" of a corporation, employ to see to the witnesses and to take their statements and to interview witnesses, on the trial of actions against it, attempted to bribe witnesses to testify in favor of the corporation. *Held,* that evidence of this was admissible against the corporation, though there was no proof that it authorized the act.